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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 EVER.AG, LLC,

12 Plaintiff,

13 v.

14 MILK MOOVEMENT, INC., a/k/a Milk  
15 Moovement, LLC, a foreign corporation,

16 Defendant.  
17

No. 2:21-cv-02233 WBS AC

ORDER

18 The parties appeared before the court on June 28, 2023 for a discovery conference and to  
19 resolve a motion to compel brought by Ever.Ag (ECF No. 351) and a motion to compel brought  
20 by Milk Moovement (ECF No. 352). This case has been before the court numerous times  
21 throughout the course of discovery and the parties are aware of the history and status of the case;  
22 it will not be repeated here. Having considered the filings and the parties' oral arguments, each  
23 motion is GRANTED in part and DENIED in part as follows.

24 The court will not make a ruling on production that is ongoing before the substantial  
25 completion deadline of July 14, 2023, has arrived. However, on July 14, 2023, each party shall  
26 submit and file on record an affidavit by a person with knowledge attesting to the status and/or  
27 completeness of production. The affidavits should address the status of production regarding  
28 initial disclosures and responses to requests for production by category (e.g., trade secret,

1 antitrust). If, following the substantial completion deadline, either party believes that a motion to  
2 compel is necessary, they may bring a motion.

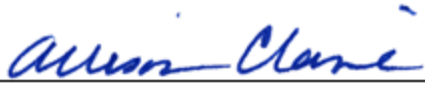
3 Each party is granted five additional interrogatories and three additional custodians to use  
4 as they see fit. Considering the extensive resources that have already been devoted to discovery  
5 in this case, the court will disfavor further requests for additional interrogatories or custodians  
6 absent a specific showing of good cause.

7 Milk's motion to compel Ever.Ag to produce responsive messages from custodian's  
8 personal cell phones is denied for failure to show specific good cause or Ever.Ag's possession  
9 and control over the devices. These devices must be obtained through the individual third-party  
10 subpoena process.

11 This order resolves ECF Nos. 351 and 352. Any discovery sought by the motions that is  
12 not ordered here is denied.

13 IT IS SO ORDERED.

14 DATED: June 28, 2023

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16 ALLISON CLAIRE  
17 UNITED STATES MAGISTRATE JUDGE  
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